

AMENDED IN ASSEMBLY JULY 28, 2003

AMENDED IN ASSEMBLY JUNE 26, 2003

AMENDED IN SENATE MAY 7, 2003

SENATE BILL

No. 722

Introduced by Senator McPherson

February 21, 2003

An act to amend Sections 52052 and 52057 of, and to add Section 52051.3 to, the Education Code, relating to school performance.

LEGISLATIVE COUNSEL'S DIGEST

SB 722, as amended, McPherson. School performance.

Existing law establishes the Public Schools Accountability Act of 1999 and requires the Superintendent of Public Instruction to develop an Academic Performance Index (API), which consists in part of the results of the tests administered pursuant to the Standardized Testing and Reporting (STAR) Program, to measure the performance of schools and to rank schools based on the value of the API. The API measures the performance of schools and the academic performance of pupils and consists of a variety of indicators.

This bill would require *a the superintendent, with the approval of the State Board of Education, to calculate an API for school districts in the same manner as the school API and would require school districts and schools to demonstrate comparable improvement in academic achievement as measured by the API for all numerically significant pupil subgroups at the school, including ethnic subgroups, socioeconomically disadvantaged pupils, English language learners, and pupils with disabilities. The bill would specify that the test scores of a pupil subgroup may only be included in a school district's or*

school's API if the test scores of the pupils in the subgroup are valid test scores, as defined, and certain other requirements are met to ensure that the subgroup is a numerically significant subgroup as compared to a school's the total pupil population.

Existing law requires the State Board of Education to establish a Governor's Performance Award Program to provide monetary and nonmonetary awards to schools that meet or exceed API performance growth targets and demonstrate comparable improvement in academic achievement by all numerically significant pupil subgroups at the school.

This bill would additionally provide that to be eligible for the Governor's Performance Award Program a school may be required to make adequate yearly progress as required by the federal No Child Left Behind Act of 2001.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52051.3 is added to the Education Code,
2 to read:

3 52051.3. The State Board of Education, in consultation with
4 the Superintendent of Public Instruction, shall adopt regulations
5 and policies necessary to implement the provisions of this chapter
6 and the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec.
7 6301 et seq.).

8 SEC. 2. Section 52052 of the Education Code is amended to
9 read:

10 52052. (a) (1) By July 1, 1999, the Superintendent of Public
11 Instruction, with approval of the State Board of Education, shall
12 develop an Academic Performance Index (API), to measure the
13 performance of schools, especially the academic performance of
14 pupils. *The Superintendent of Public Instruction, with the*
15 *approval of the State Board of Education, shall also calculate an*
16 *API for school districts. The school district API shall be calculated*
17 *in the same manner as the school API and reported in a*
18 *comparable format.*

19 (2) ~~Schools~~ School districts and schools shall demonstrate
20 comparable improvement in academic achievement as measured



1 by the API by all numerically significant pupil subgroups *in the*
2 *school district or* at the school, including:

3 (A) Ethnic subgroups.

4 (B) Socioeconomically disadvantaged pupils.

5 (C) English language learners.

6 (D) Pupils with disabilities.

7 (3) (A) For purposes of this section, a numerically significant
8 pupil subgroup is one that meets both of the following criteria:

9 (i) The subgroup consists of at least 50 pupils each of whom has
10 a valid test score.

11 (ii) The subgroup constitutes at least 15 percent of a *school*
12 *district's or a school's* total population of pupils who have valid
13 test scores.

14 (B) If a subgroup does not constitute 15 percent of the *school*
15 *district's or the school's* total population of pupils with valid test
16 scores, the subgroup may constitute a numerically significant
17 pupil subgroup if it has at least 100 valid test scores.

18 (C) For a *school district or a school* with an API score that is
19 based on no fewer than 11 and no more than 99 pupils with valid
20 test scores, numerically significant subgroups shall be defined by
21 the Superintendent of Public Instruction, with approval by the
22 State Board of Education.

23 (D) A valid test score is a test score that the superintendent,
24 with the approval of the State Board of Education, deems
25 appropriate to incorporate into the API or other performance
26 measure, consistent with the provisions of this chapter and the
27 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
28 et seq.).

29 (4) The API shall consist of a variety of indicators currently
30 reported to the department including, but not limited to, the results
31 of the achievement test administered pursuant to Section 60640,
32 attendance rates for pupils in elementary schools, middle schools,
33 and secondary schools, and the graduation rates for pupils in
34 secondary schools.

35 (A) The pupil data collected for the API that comes from the
36 achievement test administered pursuant to Sections 60640 and
37 60644 and the high school exit examination administered pursuant
38 to Section 60851, when fully implemented, shall be disaggregated
39 by special education status, English language learners,
40 socioeconomic status, gender and ethnic group. Only the test

1 scores of pupils who were counted as part of a school district's
2 enrollment in the annual California Basic Educational Data
3 System's data collection for the current fiscal year and were
4 continuously enrolled during that year may be included in the test
5 results reported in the API. Only the test scores of pupils who were
6 counted as part of the enrollment in the annual California Basic
7 Education Data System's data collection for the current fiscal year
8 and who were continuously enrolled during that year may be
9 included in the test result reports in the *school district's or school's*
10 API. Results of the achievement test and other tests specified in
11 subdivision (b) shall constitute at least 60 percent of the value of
12 the index.

13 (B) Before including high school graduation rates and
14 attendance rates in the index, the Superintendent of Public
15 Instruction shall determine the extent to which the data are
16 currently reported to the state and the accuracy of the data.

17 (b) Pupil scores from the following tests, when available and
18 when found to be valid and reliable for this purpose, shall be
19 incorporated into the API:

20 (1) The assessment of the applied academic skills matrix test
21 developed pursuant to Section 60604.

22 (2) The nationally normed test designated pursuant to Section
23 60642.

24 (3) The standards-based achievement tests provided for in
25 Section 60642.5.

26 (4) The high school exit examination.

27 (c) Based on the API, the Superintendent of Public Instruction
28 shall develop, and the State Board of Education shall adopt,
29 expected annual percentage growth targets for all schools based on
30 their API baseline score from the previous year. Schools are
31 expected to meet these growth targets through effective allocation
32 of available resources. For schools below the statewide API
33 performance target adopted by the State Board of Education
34 pursuant to subdivision (d), the minimum annual percentage
35 growth target shall be 5 percent of the difference between a
36 school's actual API score and the statewide API performance
37 target, or one API point, whichever is greater. Schools at or above
38 the statewide API performance target shall have, as their growth
39 target, maintenance of their API score above the statewide API
40 performance target. However, the State Board of Education may



1 set differential growth targets based on grade level of instruction
2 and may set higher growth targets for the lowest performing
3 schools because they have the greatest room for improvement. To
4 meet its growth target, a school shall demonstrate that the annual
5 growth in its API is equal to or more than its schoolwide annual
6 percentage growth target and that all numerically significant pupil
7 subgroups, as defined in subdivision (a), are making comparable
8 improvement.

9 (d) Upon adoption of state performance standards by the State
10 Board of Education, the Superintendent of Public Instruction shall
11 recommend, and the State Board of Education shall adopt, a
12 statewide API performance target that includes consideration of
13 performance standards and represents the proficiency level
14 required to meet the state performance target. When the API is
15 fully developed, schools must, at a minimum, meet their annual
16 API growth targets to be eligible for the Governor's Performance
17 Award Program as set forth in Section 52057. The State Board of
18 Education may establish additional criteria that schools must meet
19 to be eligible for the Governor's Performance Awards Program.

20 (e) Beginning in June 2000, the API shall be used for both of
21 the following:

22 (1) Measuring the progress of schools selected for participation
23 in the Immediate Intervention/Underperforming Schools Program
24 pursuant to Section 52053.

25 (2) Ranking all public schools in the state for the purpose of the
26 High Achieving/Improving Schools Program pursuant to Section
27 52056.

28 (f) (1) ~~A comprehensive high school, middle school, or~~
29 ~~elementary school district or a school with 11 to 99 pupils with~~
30 valid test scores shall receive an API score with an asterisk that
31 indicates less statistical certainty than API scores based on 100 or
32 more test scores.

33 (2) A *school district or a school* shall annually receive an API
34 score for the duration of its participation in that program, unless
35 the Superintendent of Public Instruction determines that an API
36 score would be an invalid measure of the school's performance for
37 one or more of the following reasons:

38 (A) Irregularities in testing procedures occurred.

1 (B) The data used to calculate the school's API score are not
2 representative of the pupil population *in the school district or* at the
3 school.

4 (C) Significant demographic changes in the pupil population
5 render year-to-year comparisons of pupil performance invalid.

6 (D) The department discovers or receives information
7 indicating that the integrity of the API score has been
8 compromised.

9 (E) Insufficient pupil participation in the assessments included
10 in the API.

11 (3) If the API of a *school district or* a school is invalidated
12 pursuant to paragraph (2), the department may calculate an
13 estimated API, consistent with regulations adopted by the State
14 Board of Education.

15 (4) If a *school district or* a school has less than 100 pupils with
16 valid test scores, the calculation of the API or adequate yearly
17 progress pursuant to the federal No Child Left Behind Act of 2001
18 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be
19 calculated from the aggregation of the school's test results with
20 other schools in the same local educational agency, or over more
21 than one annual administration of the tests administered pursuant
22 to Sections 60640 and 60644 and the high school exit exam
23 administered pursuant to Section 60851, consistent with
24 regulations adopted by the State Board of Education.

25 (g) Only schools with 100 or more test scores contributing to
26 the API may be included in the API rankings.

27 (h) By July 1, 2000, the Superintendent of Public Instruction,
28 with the approval of the State Board of Education, shall develop
29 an alternative accountability system for schools under the
30 jurisdiction of a county board of education or a county
31 superintendent of schools, community day schools, and alternative
32 schools serving high-risk pupils, including continuation high
33 schools and opportunity schools. *Schools in the alternative*
34 *accountability system shall receive an API score, but may not be*
35 *included in the API rankings.*

36 (i) *As used in this section, "school district" may include county*
37 *boards of education or county superintendents of schools, as*
38 *appropriate.*

39 SEC. 3. Section 52057 of the Education Code is amended to
40 read:

1 52057. (a) The State Board of Education shall establish a
 2 Governor's Performance Award Program to provide monetary and
 3 nonmonetary awards to schools that meet or exceed API
 4 performance growth targets established pursuant to Section
 5 52052, and demonstrate comparable improvement in academic
 6 achievement by all numerically significant pupil subgroups within
 7 schools. To be eligible for the Governor's Performance Award
 8 Program, a school may also be required to make adequate yearly
 9 progress, as required by the federal No Child Left Behind Act (20
 10 U.S.C. Sec. 6311(b)(2)(A)), and as defined by the regulations
 11 recommended by the Superintendent of Public Instruction and
 12 adopted by the ~~department~~ *State Board of Education*. Monetary
 13 awards shall be awarded only to schools whose API scores meet
 14 or exceed their API growth target as established pursuant to
 15 Section 52052 or increase by five points, whichever is greater, and
 16 in which all numerically significant subgroups' scores meet or
 17 exceed 80 percent of the school's API growth target as established
 18 pursuant to Section 52052 or increase by four points, whichever
 19 is greater. For purposes of this section, a pupil subgroup of at least
 20 100 pupils constitutes a numerically significant subgroup, even if
 21 the subgroup does not constitute 15 percent of the total enrollment
 22 at a school.

23 (b) All schools, including schools participating in the
 24 Immediate Intervention/Underperforming Schools Program are
 25 eligible to participate in the Governor's Performance Award
 26 Program. The manner and form in which the monetary and
 27 nonmonetary awards are given shall be established by the
 28 Superintendent of Public Instruction and approved by the State
 29 Board of Education. The monetary awards shall be made available
 30 on either a per pupil or per school basis, not to exceed one hundred
 31 fifty dollars (\$150) per pupil who received a score on the
 32 assessments described in subdivision (b) of Section 60640 and
 33 subject to funds appropriated in the annual Budget Act. A school
 34 that continues to show improvement in successive years is eligible
 35 to receive annual bonuses.

36 (c) In addition to or in substitution of monetary awards, the
 37 Superintendent of Public Instruction may establish, upon approval
 38 by the State Board of Education, nonmonetary awards that may
 39 include, but are not limited to, classification as a distinguished
 40 school, listing on a published public school honor roll, and public

1 commendations by the Governor and the Legislature. In addition
2 to any other criteria that are used to determine whether a school
3 shall be classified as a distinguished school, the Superintendent of
4 Public Instruction may consider the performance of a school on the
5 physical performance tests administered pursuant to Section
6 60800.

7 (d) A governing board of a school district or a county board of
8 education with one or more schools under its jurisdiction that are
9 eligible to receive an award from the Governor's Performance
10 Award Program may request on behalf of those schools that the
11 State Board of Education waive all or any part of any provision of
12 this code, or any regulation adopted by the State Board of
13 Education, controlling any of the programs listed in clause (i) of
14 subparagraph (B) of paragraph (1) of subdivision (a) of Section
15 54761 and Section 64000. The board may grant the request if the
16 waiver does not result in a decrease in the instructional time
17 otherwise required by law or regulation or an increase in state costs
18 and is determined to be consistent with subdivision (a) of Section
19 46300. The waiver shall be granted for no more than three
20 consecutive fiscal years. A governing board of a school district or
21 a county board of education may request a renewal for schools
22 under their jurisdiction that still meet the eligibility criteria.

23 (e) The waiver granted pursuant to subdivision (d) may also
24 provide the governing board of a school district or a county board
25 of education with maximum flexibility, on the part of eligible
26 schools within the districts, in the expenditure of any new or
27 existing categorical funds not otherwise prohibited under state or
28 federal law to enable the school to continue improvement in pupil
29 performance.

